

**REMARKS**

Entry of this Amendment and reconsideration are respectfully requested in view of the amendments made to the claims and for the remarks made herein.

Claims 1-13 are pending and stand rejected.

Claims 1, 8 and 13 are independent claims.

Claims 1, 2 and 8 - 13 have been amended. Claims 4 and 5 have been cancelled

Claims 8-12 are objected to for including reference characters. Claims 4-5 stand rejected under 35 USC 112, first paragraph for failing to provide enablement for an "unlimited" time period. Claims 4-5 stand rejected under 35 USC 112, second paragraph as being indefinite as the term "unlimited" is an undefined duration. Claims 1 and 4-13 stand rejected under 35 USC 102(a) and being anticipated by, and alternatively, under 35 USC 103(a) as being obvious over "Final Fantasy XI, Cumulative information regarding Final Fantasy XI as evidenced by Wikipedia and Final Fantasy Official Website." Claims 2-3 stand rejected under 35 USC 102(e) as being anticipated by Final Fantasy XI or alternatively under 35 USC 103(a) as being obvious over Final Fantasy XI in view of Diablo. Claim 12 stands rejected under 35 USC 103(a) as being unpatentable over Final Fantasy XI in view of Sato (USP no. 4858930) and/or Lennon (5078399).

Claims 8-12 are objected to because they include reference characters that are not enclosed within parentheses.

Applicant thanks the Examiner for his observation and has amended the claims to remove the reference numerals in the claims.

For the amendments made to the claims, applicant submits that the reason for the objection has been overcome and respectfully requests that the rejection be withdrawn.

Claims 4-5 stand rejected under 35 USC 112, first paragraph for failing to provide

enablement for "unlimited" time period and under 35 USC 112, second paragraph as being indefinite as the term "unlimited" is an undefined duration.

Applicant respectfully disagrees with and explicitly traverses the rejection of the claims as the term "unlimited" in its ordinary use would be understood by those skilled in the art that the period would be unending. Although the period is unending, the unending nature of the period would not be undefined, in the ordinary sense, as it refers to a period that extends without end. Hence, while in the mathematical sense, the period may extend to infinity, which is undefined, in the ordinary usage of the term, the term is well known and commonly referred to as being "without constraint."

However, in the interest of advancing the prosecution of this matter, claims 4 and 5 have been cancelled, without prejudice.

For the cancellation of the aforementioned claims, application submits that the reason for the rejection is no longer relevant and respectfully requests that the rejection be withdrawn.

Claims 1 and 4-13 stand rejected under 35 USC 102(a) and being anticipated by, and alternatively, under 35 USC 103(a) as obvious, over "Final Fantasy XI, Cumulative information regarding Final Fantasy XI as evidenced by Wikipedia and Final Fantasy Official Website." In rejecting the claims, the Office Action refers to the accumulated materials provided by the Wikipedia to show that gaming was known in the art and that the game Final Fantasy XI provides the teaching of the elements recited in the claims. More specifically, the Office Action refers to the Final Fantasy XI game charging a user a first amount to store a game status and charging a user a second amount for a longer period (i.e., free first thirty days, \$12.95 monthly subscription fee thereafter and \$1 fee each month for each added Content ID).

Applicant respectfully disagrees with and explicitly traverses the rejection of the claims. However, applicant has elected to amend the independent claims 1, 8 and 13 to further recite that a first fee is charged for storing a status for a predetermined time and that this fee increases over the predetermined time and further that a number of such storages is limited to a predetermined number in a specified time. No new matter has been added. Support for the amendment may be found in cancelled claims 4 and 5 and

on page 2, line 30- page 3, line 9.

With regard to the rejection of independent claims 1, 8 and 13, applicant submits that the charging system disclosed by Final Fantasy XI, as recited by the Office Action, fails to provide any teaching regarding increasing the fee charged during the predetermined period or that a number of storages is limited, as is recited in the claims. As noted above, FF XI discloses a fee being zero value (free) for the first thirty days and using a second fee thereafter. The cited reference is silent with regard to increasing the fee over the predetermined period.

In addition the fee for the first thirty days is not comparable to the first fee as recited in the claims. Rather the zero fee for the first thirty days corresponds to a period that a user may freely use the software, with unlimited storage and number of such storages. The first fee recited in the claims is associated with a storage and a length of time said storage is made. In addition, a number of storages is limited.

A claim is anticipated if an only if each and every element is recited in a single prior art reference.

The cited reference cannot be said to anticipate or render obvious the subject matter recited in the independent claims, as the cited reference fails to teach all the elements recited therein.

For the amendments made to the independent claims and for the remarks made herein, applicant submits that the reason for the rejection of the independent claims has been overcome and respectfully requests that the rejection be withdrawn.

Each of the remaining claims depends from one of the independent claims, which include subject matter not disclosed by the cited reference(s) and, consequently, the remaining dependent claims are also not anticipated by the cited reference.

Claims 2-3 stand rejected under 35 USC 103(a) as being unpatentable over Final Fantasy XI in view of Diablo game. In rejecting the claims, the Office Action refers to the Diablo teaching that pausing a game is old and known in the art. Thus, the subject matter of claims 2 and 3 would be obvious.

Applicant respectfully disagrees with and explicitly traverses the rejection of the

claims.

Claims 2 and 3 depend from claim 1, which has been shown to include subject matter not disclosed by FF XI. The Diablo game fails to provide any teaching regarding charging an increasing fee over a predetermined period of time for storage, as is recited in the claims.

Accordingly, the subject matter of claims 2 and 3 is not rendered obvious by the combination of FF XI and the Diablo game as the combination fails to teach all the elements recited in the independent claim, and, consequently, dependent claims 2 and 3.

Claim 12 stand rejected under 35 USC 103(a) as being unpatentable over FF XI in view of Sato and/or Lennon

Applicant respectfully disagrees with and explicitly traverses the rejection of the claims.

Claim 12 depends from claim 1, which has been shown to include subject matter not disclosed by FF XI. Neither Sato nor Lennon provides any teaching regarding charging an increasing fee for storing the status of the game, as is recited in the claims.

Accordingly, the subject matter of claim 11 is not rendered obvious by the combination of FF XI and Sato and/or Lenno as the combination fails to teach all the elements recited in the independent claim, and, consequently, dependent claim 12.

For the amendments made to the claims and for the remarks made herein, applicant submits that the rejections of the claims have been overcome and respectfully requests that the rejections be withdrawn. Applicant further submits that all claims are in an allowable form and the issuance of a Notice of Allowance is respectfully requested.

A Petition for a three (3) month extension of time for filing this paper is provided herewith. The Examiner is authorized to change the fee for filing said petition to the Deposit Account number indicated on the Petition form.

Should the Examiner believe that the disposition of any issues arising from this response may be best resolved by a telephone call, the Examiner is invited to contact applicant's representative at the telephone number listed below.

Respectfully submitted,  
Daniel Piotrowski,

Date: April 5, 2009

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